



Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS
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Annual Report (1999)

MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement and all bar admission by examination and on reciprocity and began conducting character and fitness investigations for all candidates for admission by diploma privilege. The membership of the Board in 1999 was as follows:

Theodore J. Poulos	West Allis	Chairperson
Gerald J. Thain	Madison	Vice-Chairperson
Howard B. Eisenberg	Milwaukee	
Harry Maier	DePere	
James P. O'Brien	Chicago	
Mary L. Staudenmaier	Marinette	
Hon. Eric J. Wahl	Eau Claire	

At the close of the year, the terms of three Board members expired. Mary L. Staudenmaier was eligible for reappointment to an additional three-year term, and the Court so reappointed her. Theodore J. Poulos, whose second term expired December 31, 1999, had served two terms and was ineligible for reappointment. Charlotte F. Westerhaus, whose second term expired December 31, 1999, had resigned in 1998 following her relocation out of state. The Board elected Professor Gerald J. Thain as its Chairperson and elected Dean Howard B. Eisenberg as its Vice-Chairperson for 2000.

In 1999 the staff of the Board included the following persons:

Gene R. Rankin,	Director
Ruth Janto-Wolter,	Deputy Director
Beth Bowen-Mueller,	Bar Application Manager
Nancy Nickel,	Bar Application Manager
Jack Pace,	Character and Fitness Administrator
Tammy McMillen,	CLE Records Manager
Diane Knipfer,	Course Approval Coordinator (50%)
	(percentage increased to 75% in October, 1999)
Rebecca Ham	Program Assistant

FUNDING SOURCES

The mandatory continuing legal education requirement was funded in fiscal year 1999 by an annual assessment of lawyers on active and inactive status per the State Bar of Wisconsin records who paid \$11.50 and \$5.75, respectively, an increase of \$1.00 and \$0.50, respectively, beginning with the July 1999 dues statement. In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the Court, and from miscellaneous fees (copying, duplicate admissions certificates, past examination sales, etc.).

The bar admissions portion of Board responsibilities continued to be entirely self-funding. The fee authorized by the Court for taking the Wisconsin Bar Examination was \$375.00; the fee for filing an application for admission on proof of practice elsewhere (reciprocity) was \$725.00; the fee for diploma privilege character and fitness ("C&F") certification was \$175.00, and the admission fee was \$60.00. Revenues shown are actual revenues, and may include 2000 fees received in 1999. (Late fees of \$100 for bar examination filing and \$50 for C&F certification filing were also charged, but are not shown below.)

CALENDAR 1999 MAJOR INCOME SOURCES

<u>CLE</u>	<u>Amount</u>
Revenue received from assessment	\$175,620.00
Late fees received @ \$50 (593)	\$ 29,650.00
Reinstatement fees @ \$100 (63)	\$ 6,300.00
Readmission fees @ \$200 (19)	<u>\$ 3,800.00</u>
TOTAL	<u>\$215,370.00</u>
 <u>Bar Admissions</u>	 <u>Amount</u>
Bar examination filing fees @ \$375 (269)	\$100,875.00
Reciprocity filing fees @ \$725 (100)	\$ 72,500.00
Admission fees @ \$60 (756)	\$ 45,360.00
Diploma privilege C&F investigation fees @\$175 (428)	<u>\$ 74,900.00</u>
TOTAL	<u>\$293,635.00</u>

MANDATORY CONTINUING LEGAL EDUCATION

The 1999 calendar year was the year in which reports concerning compliance with the 1998-99 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. Of the 7,125 lawyers admitted to practice law in Wisconsin in odd-numbered years who were obligated to comply with the requirement, 131 (1.825%) were ultimately suspended. Of the 2,446 lawyers who have been suspended for noncompliance since the inception of the program in 1977, 1,238 remained suspended at the end of calendar 1999.

In 1999, lawyers again had a wide range of educational activities from which to select. General program approval, the annual institutional approval available to CLE sponsors, was extended to 45 organizations. In addition, 5,599 activities were approved on a course-by-course basis, which was an increase of 18.5% from the previous year. 1,602 activities were approved for ethics and professional responsibility (EPR), an increase of 14.3%. Individual approval was extended to 20 courses. 21 Judicial Education courses were approved, which was an increase of 91% from the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved 95 courses for GAL credit in 1999.

The total number of all CLE activities sited in Wisconsin was 2,844, an increase of 12.2% from the previous year. Approval was denied in 82 cases (up from 72), and EPR approval was denied in 291 cases (up from 186). Principal reasons for denial of approval were the absence of written materials or the program content.

BAR ADMISSION

Diploma Privilege. The Board received 428 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 0.7 % increase over the 425 applications filed in the previous year. 418 were certified to the Court in 1999, which number includes those who graduated in 1998 but who were not certified until the following year. This represents a 7.5 % increase over the 389 applications filed in the previous year.

Wisconsin Bar Examination. The Board administered two bar examinations in 1999 to a total of 244 applicants. This represents a 16% decrease over the 290 applicants in the previous year. Statistical information is as follows:

<u>1999 Wisconsin Bar Examinations</u>	<u>Feb. 99</u>	<u>July 99</u>	<u>Total</u>
Applicants Writing Examination	83	161	244
Successful Examinees	75 (90%)	140 (87%)	215 (88%)
First-Time Takers	62	158	220
Successful First-Time Takers	58 (94%)	138 (87%)	196 (89%)

One July 1999 examinee sought a waiver of the passing score on the bar exam, was denied a waiver, and appealed that denial to the Court. That appeal was pending at the end of 1999.

The Board revised its pass line determination in August 1999, to be effective for examinations administered in and after February 2000. It elected, after consultation with University of Wisconsin testing experts, to require that examinees attain minimal competence on five out of eight essay questions, as well as to require that total essay scaled scores be at least 128, with the combined essay and Multistate Bar examination scaled scores totaling 256. It did so out of a concern that scaled essay scores, which apply a curve to the raw scores, were admitting persons who failed to attain minimal competence on a sufficient number of questions.

Admission on Reciprocity. In addition, the Board administered the rules for admission on reciprocity. In 1999 the Board received 100 applications under SCR 40.05. 10 pending

applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the reciprocity requirement or inability to meet the durational requirements of the relevant rules) and the files of two were closed for lack of response. Three previously-certified applicants' certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The principal source jurisdictions continued to be Minnesota and Illinois.

Actual Admission.

<u>Type of Admission</u>	<u>Year of Admission</u>					<u>Change Since 1998</u>
	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	
Admission by Examination	218	267	248	234	221	(-5.6%)
Admission on Reciprocity	78	96	76	96	117	(+21.9%)
Admission by Diploma Privilege	<u>441</u>	<u>410</u>	<u>398</u>	<u>382</u>	<u>418</u>	(+9.4%)
TOTAL	<u>737</u>	<u>773</u>	<u>722</u>	<u>712</u>	<u>756</u>	(+6.2%)

The Board held two hearings in 1999, at the request of applicants who had been notified of the Board's intent to deny admission on character and fitness grounds. These applicants demonstrated to the Board, pursuant to the requirements of SCR 40.08 (2), that there were facts bearing on the applicant's case that could not be presented in writing.

The Board denied admission to three applicants in 1999. Two were candidates for admission by diploma privilege, and were denied admission for character and fitness reasons. One was a candidate for admission on proof of practice elsewhere, and was denied admission for reciprocity reasons. One person denied admission in 1997 appealed that denial in 1998, while another denied admission in 1998 also appealed that decision in 1998. The Court upheld both denials in 1999.

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

Reinstatements (other than SCR Chapter 31)	10
Readmission following voluntary resignation from the bar	9
Name changes	84

Respectfully submitted,

Gene R. Rankin, Director
Board of Bar Examiners

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